IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

***e*PLUS INC.,**	)	
	)	
	)	
Plaintiff,	)	**Civil Action No. 3:09-CV-620 (REP)**
	)	
v.	)	
	)	
LAWSON SOFTWARE, INC.,	)	
	)	
	)	
Defendant.	)	

PLAINTIFF *e*PLUS, INC.'S MEMORANDUM IN OPPOSITION TO DEFENDANT LAWSON SOFTWARE, INC.'S MOTION FOR RECONSIDERATION

Plaintiff *e*Plus, Inc. ("*e*Plus") respectfully submits its Memorandum in Opposition to the Motion filed by Defendant Lawson Software, Inc. ("Lawson" or "Defendant") to Clarify the Court's Order (Docket No. 366) denying Defendant's Motion *in Limine* No. 6 (Docket No. 361). Although Defendant's Motion is nominally styled as a Motion for Clarification, it is actually a Motion for Reconsideration of the Court's Order denying Defendant's Motion *in Limine* No. 6.

Defendant's Motion for Reconsideration should be denied. "A motion for reconsideration generally should be limited to those instances in which: 'the Court has patently misunderstood a party, or has made a decision outside the adversarial issues presented to the Court by the parties, or has made an error not of reasoning but of apprehension . . . [or] a controlling or significant change in the law or facts since the submission of the issue to the Court [has occurred]. Such problems rarely arise and the motion to reconsider should be equally rare.'" *Shanklin v. Seals*, Case No. 07-cv-319, 2010 WL 1781016, at *2 -3 (E.D. Va. May 3,

2010) (quoting *Above the Belt, Inc. v. Mel Bohannan Roofing, Inc.*, 99 F.R.D. 99, 101 (E.D. Va. 1983)).

Defendant does not argue – nor can it – that grounds for reconsideration of the Court's denial of its Motion *in Limine* No. 6 exist. Instead, Defendant simply rehashes the same arguments regarding its purported "lack of knowledge of the patents" that it made in Motion *in Limine* No. 6, which this Court rejected. The Court's Order denying Defendant's Motion *in Limine* No. 6 is clear and there is no reason that that order should be clarified, modified or reconsidered.

Defendant's Motion is particularly inappropriate because the arguments raised in the so-called "Motion for Clarification" are the same arguments Defendant raised in its Motion for Summary Judgment regarding its purported "lack of knowledge of the patents." The Court denied Defendant's Motion for Summary Judgment on July 23, 2010, concluding that "there are genuine issues of material fact relevant to those issues." (Docket No. 356).[1] For all of these reasons, Defendant's so-called "Motion for Clarification" should be denied.

[1] Defendant also raised these same issues in its Motion *in Limine* No. 11. The Court denied Motion *in Limine* No. 11 on July 23, 2010, noting that "the motion is an effort to implement portions of the Defendant's Motion for Summary Judgment which have been denied." (Docket No. 364).

Respectfully submitted,

*e*Plus, Inc.

By counsel

July 26, 2010

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of July, 2010, I will electronically file the foregoing

PLAINTIFF *e*PLUS, INC.'S MEMORANDUM IN OPPOSITION TO DEFENDANT LAWSON SOFTWARE, INC.'S MOTION FOR RECONSIDERATION

with the Clerk of Court using the CM/ECF system which will then send a notification of such filing (NEF) via email to the following:

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